IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST.NO.4117 OF 2005

Shankar Algu Soni ...Appellant

vs.

The Head Master & Anr. ...Respondents

CORAM: A.S.OKA,J.
DATE : MARCH 15,2005.

P.C.:

1. Heard the learned Counsel for the Appellant. The challenge in this Appeal is to the impugned order dated 10th December 2004. By the said impugned order Notice of Motion for temporary injunction taken out by the Plaintiff has been dismissed.

. The prayer clause (a) of the suit filed by the Appellant read thus :

"(a) It be decided by this Hon'ble Court that the correct surname of the Plaintiff is 'Soni' as also correct birth of Plaintiff is '20-4-1974' and the surname of Plaintiff shown by the 1st Defendant in the School Leaving certificate at Exh.'A' hereto as 'Verma' and date of birth as '20-4-1977' are wrongly and erroneously recorded and the same are required to be corrected accordingly."

2. In the Notice of Motion taken out by the Appellant the prayer was for interim relief for direction to correct the

surname and date of birth of the Appellant in the record of the school in which the Appellant has allegedly undertaken studies. The drastic order of changing the date of birth and changing the surname cannot be passed in the pending suit by way of interim relief. Change of date of birth will have various serious consequences.

3. In my view, the learned Trial Judge was right when interim relief was not granted. No interference is called for in the impugned order. Appeal is dismissed with no order as to costs.

4. The suit will be decided on its own merits without being influenced by the tentative findings recorded in the impugned order.

5. Liberty to apply for expeditious hearing of the suit.

JUDGE.